

June 2, 1998

**OFFICE OF THE HEARING EXAMINER**  
**KING COUNTY, WASHINGTON**

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Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL**

**SUBJECT:** King County Department of Transportation File No. **V-2195**  
Substitute Proposed Ordinance No. **98-247**

**BELMONDO, STUTH/VANDER HOEK, AND VAVAK**  
Petition for Road Vacation

Road: That portion of 140<sup>th</sup> Avenue Southeast lying south of  
Southeast 132<sup>nd</sup> Street and north of Southeast 136<sup>th</sup> Street

Petitioners: Roy and Sharon Vavak	James Belmondo	Richard Stuth/Janis VanderHoek
13418 – 139 <sup>th</sup> Ave SE	1221 Edmonds Ave NE	14113 SE 136 <sup>th</sup> Street
Renton, WA 98059	Renton, WA 98059	Renton, WA 98059

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Deny road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

**DEPARTMENT'S REPORT:**

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2195 was received by the Examiner on April 7, 1998.

**PUBLIC HEARING:**

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2195 was opened by the Examiner at 9:30 a.m., Tuesday, April 21, 1998, in Room No. 402 (Snoqualmie Room), King County Court House, 516 Third Avenue, Seattle, Washington, and adjourned at 10:25 a.m. Pursuant to administrative continuance the hearing record closed on May 21, 1998. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES SUMMARY:

- Pedestrian trails
- Neighborhood traffic circulation (long term or future)

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

## 1. General Information:

Road location:	That portion of 140 <sup>th</sup> Avenue Southeast lying south of Southeast 132 <sup>nd</sup> Street and north of Southeast 136 <sup>th</sup> Street, located in the vicinity of Renton, Washington
Right-of-way classification:	“C-Class”
Area:	13,153 square feet approximately
Compensation:	\$4,587.05

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation’s Report to the King County Hearing Examiner for the April 21, 1998, public hearing and the statement of facts contained in Substitute Proposed Ordinance No. 98-247. Copies of the adopted report will be attached to those copies of this report and recommendation which are submitted to the King County Council.

3. This petition began in 1995. Because it involved a large number of applicants, it required considerable time for all of them to submit required information and to post the necessary compensation. As various property owners learned the amounts due, or learned that they could obtain (for instance) septic drainfields without acquiring additional property, the number of applicants declined. Although this multi-property-owner petition is called in various county administrative files as the “Brandt” application or as the “Dembowski” application, neither Brandt nor Dembowski remain as joint applicants.

The legal description of the original vacation area has been revised in order to reflect the modifications to this application which have occurred.

4. Initially, the petition was opposed by King County Water District No. 90. However, having obtained as easement over the revised portion of the proposed vacation area, the Water District withdrew its opposition.

5. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

CONCLUSIONS:

1. The road subject to this petition is useless, as part of the King County road system, and the public will be benefited by its vacation.

2. The Notice of Hearing on the Report of the Department of Transportation was given as required by law, and a hearing on the Report was conducted by the King County Hearing Examiner on behalf of the Metropolitan King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed substitute Ordinance No. 98-247 to vacate the subject road.

RECOMMENDED this 2<sup>nd</sup> day of June, 1998.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 2<sup>nd</sup> day of June, 1997, to the following parties and interested persons:

Lola Archer  
14004 SE 133<sup>rd</sup> Street  
Renton, WA 98056

James Bauman  
14004 SE 135<sup>th</sup> Street  
Renton, WA 98059

Ann & James Belmondo  
1221 Edmonds Avenue NE  
Renton, W 98056

Cory/Cindy Brandt  
13568 – 139<sup>th</sup> Place SE  
Renton, WA 98059

Fernando/Linda Cerrillo  
13564 – 139<sup>th</sup> Place SE  
Renton, WA 98059

Rod Dembowski  
14010 SE 134<sup>th</sup> Street  
Renton, WA 98059

Richard/Elaine Galusha  
14013 SE 135<sup>th</sup> Street  
Renton, WA 98056

George/Emily Johnston  
13558 – 139<sup>th</sup> Place SE  
Renton, WA 98056

Ivy T. Lea  
7443 NE 123<sup>rd</sup> Place  
Kirkland, WA 98034

Donald E. Lucas  
13216 SE 138<sup>th</sup> Avenue  
Renton, WA 98056

Alexa Peterson  
13554 – 139<sup>th</sup> Place SE  
Renton, WA 98059

Cynthia Reiss  
14013 SE 133<sup>rd</sup> Street  
Renton, WA 98059

Robert Schalkle  
14005 SE 135<sup>th</sup> Street  
Renton, WA 98059

R. Stuth/J. Vanderhoek  
14113 SE 136<sup>th</sup> Street  
Renton, WA 98059

Lily Bishai/Rene Treadwell  
14005 SE 133<sup>rd</sup> Street  
Renton, WA 98059

Laurie Bickel  
KC Water District #90  
15606 SE 128<sup>th</sup> Street  
Renton, WA 98059  
TCI South  
15241 Pacific Hiway S  
Seattle, WA 98188

John D. Wilson  
Renton Water Utility  
200 Mill Avenue South  
Renton, WA 98055  
John Mortenson  
US West Communications  
700 W Mineral Room  
Littleton, CO 80120

Roy/Sharon Vavak  
13418 – 138<sup>th</sup> Avenue SE  
Renton, WA 98056  
METRO: Larry Underdahl  
Envir. Planning & Real Estate  
821 Second Avenue, MS 120  
Seattle, WA 98104

Puget Sound Energy  
Real Estate Department  
P.O. Box 97034  
Bellevue, WA 98009

City of Renton Planning Department  
200 Mill Avenue South  
Renton, WA 98055

Tommy Burdette, KCDOT/Road Services Division  
Mark Carey, DDES/Land Use Services Division  
Sharon Claussen, KC Parks & Cultural Resources  
Tom Eksten, KC DNR/Open Space Section  
Dennis Gorley, KCDOT/Road Services Division  
Bill Hoffman, KCDOT/Transportation Planning  
Rod Matsuno, KCDOT/Road Services Division  
Lloyd Neal, KCDOT/Traffic Engineering

Dave Baugh, DDES/Building Services  
Marilyn Cox, DDES/Land Use Services Division  
Gary Samek, KCDOT/Road Services Division  
Charlie Sundberg, KC Historical Preservation  
Harold Taniguchi, KCDOT/Road Services Division  
Don Althaus, DNR/Surface Water Management  
Dave Preugschat, KC Property Services Division  
Lydia Reynolds, KCDOT/Road Services Division

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the Metropolitan King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **June 16, 1998**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the Metropolitan King County Council on or before **June 23, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE APRIL 21, 1998 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF  
TRANSPORTATION FILE NO. V-2195 - PETITION FOR ROAD VACATION:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were  
Cindy Brandt and Dennis Gorley/KCDOT.

On April 21, 1998 the following exhibits were offered and entered into the hearing record:

Exhibit #

1. Report to the Hearing Examiner with 20 attachments.
2. Petition transmittal letter dated February 28, 1995 to Transportation from Clerk of Council.
3. Two page Petition for vacation.
4. Copy of check # 1368 in the amount of \$100 for non-refundable deposit.
5. Copy of plat map for Black Loam Five Acre Tract, Volume 12 of Plats, page 101.
6. Copy of Order of Establishment of D. Dierssen Road No. 2 with map attached
7. Copy of Quitclaim Deed recorded in Volume 4864 of Deeds, page 25.

8. Copy of Quitclaim Deed recorded in Volume 4864 of Deeds, page 639.
9. Copy of plat map of Puget Colony Homes, Volume 86 of Plats, page 59.
10. Copy of plat map of Kimber Lane, Volume 91 of Plats, page 13.
11. Map depicting original vacation area.
12. Letter dated April 16, 1996 denying original petition.
13. Letter dated May 14, 1996 appealing the denial.
14. Letter dated May 23, 1996 from the Clerk of the Council to Roads Appeal on Vacation Denial.
15. Copy of two checks (1) #1782 in the amount of \$100 and check (2) #3119 in the amount of \$100 for administrative fee for the appeal.
16. Letter dated August 7 1996 from King County Executive to Councilmember Jane Hague.
17. Copy of proposed Ordinance 96-665 denying the petition.
18. Notice of Hearing on the original denial.
19. Affidavit of Posting with map attached.
20. Hearing Examiner's Notice of Hearing dated September 23, 1996.
21. Facsimile of letter dated September 29, 1996 from Rod Dembowski to the Hearing Examiner requesting a Pre-Hearing conference.
22. Letter dated October 1, 1996 from Ivyl T. Lea opposing the vacation.
23. Hearing Examiner Notice of Pre-Hearing Conference dated October 1, 1996.
24. Map of original vacation area indicating individual names on each of the property owners
25. Copy of Facsimile dated November 4, 1996 from Rod Dembowski to the Hearing Examiner acknowledging a continuance of the schedule hearing.
26. Memorandum dated November 5, 1996 from Road Services Division to the Hearing Examiner acknowledging a settlement between petitioners and LUSD and SWM, with attachments.
27. Memorandum dated November 6, 1996 from Property Services Division to Road Services Division regarding easement value with copies of Drainage Easements.
28. Hearing Examiner Notice of Postponement; Recision of Pre-Hearing Order dated November 12, 1996
29. Road Vacation Compensation Worksheet for V-2195 pages 1- 4.
30. King County Assessed Valuation Reports (19 pages).
31. Fax Transmission Cover Sheet dated November 25, 1996 to Rod Dembowski from Road Services Division responding to his request for copies of Compensation Worksheets pages 1-4.
32. Letter dated January 21, 1997 from Road Services Division to the Clerk of the King County Council regarding the status of 140<sup>th</sup> Avenue Southeast.
33. Facsimile of "Market Value Systems received January 21, 1997
34. Memorandum dated February 5, 1997 to Property Services Division from Road Services Division regarding evaluation of an Appraisal Report submitted by Rod Dembowski, with copy of Market Value Systems attached.
35. Memorandum dated March 10, 1997 to Road Services Division from Property Services Division responding the evaluation request.
36. Memorandum dated March 11, 1997 to Road Services Division from Property Services Division regarding assignment of evaluation request.
37. Letter dated April 25, 1997 to Rod Dembowski from Road Services Division regarding compensation and Market Value Systems.
38. Letter dated May 2, 1997 to Richard and Elaine Galusha from Roads Division identifying amount of compensation with attachments
39. Letter dated May 2, 1997 to Donald E. Lucas from Roads Division identifying amount of compensation with attachments.
40. Letter dated May 2, 1997 to Alexa Peterson from Roads Division identifying amount of compensation with attachments.
41. Letter dated May 2, 1997 to Jim Bauman from Roads Division identifying amount of compensation with attachments.
42. Letter dated May 2, 1997 to Cory and Cindy Brandt from Roads Division identifying amount of compensation with attachments.
43. Letter dated May 2, 1997 to Lily Bishai and Rene Treadwell from Roads Division identifying amount of compensation with attachments.

44. Letter dated May 2, 1997 to James Belmondo from Roads Division identifying amount of compensation with attachments.
45. Letter dated May 2, 1997 to Lola Archer from Roads Division identifying amount of compensation with attachments.
46. Letter dated May 2, 1997 to George and Emily Johnson from Roads Division identifying amount of compensation with attachments.
47. Letter dated May 2, 1997 to Douglas E. McKeen, Jr. from Roads Division identifying amount of compensation with attachments.
48. Letter dated May 2, 1997 to Cynthia Reiss from Roads Division identifying amount of compensation with attachments.
49. Letter dated May 2, 1997 to Richard Stuth and Janis Vandehoek from Roads Division identifying amount of compensation with attachments.
50. Letter dated May 2, 1997 to Sharon Vavak from Roads Division identifying amount of compensation with attachments.
51. Letter dated May 2, 1997 to Fernando and Linda Cerrillo from Roads Division identifying amount of compensation with attachments.
52. Copy of Check #646 from Richard E. Stuth and Janis Vander Hoek in the amount of \$1,430.28 for compensation
53. Letter dated June 3, 1997 from Rod Dembowski to the Hearing Examiner furnishing an update and offering two samples of compensation approaches as a alternative to the amount of compensation due King County.
54. Road Vacation Worksheet V2194-4 revised July 14, 1997 for Ivyl T. Lea, page 4 of 4.
55. Computer printout of Ivyl T. Lea Tax assessments.
56. Computer printout of Ivyl T. Lea Real Property Characteristic.
57. Letter dated August 8, 1997 to Ivyl T. Lea from Road Services Division identifying the amount of compensation due King County for his portion of the proposed vacation area
58. Copy of electronic mail dated August 21, 1997 from Road Services Division to the Hearing Examiner responding to a request for advise on schedule hearing.
59. Letter dated August 27, 1997 to Rod Dembowski from Road Services Division explaining purpose for paying the compensation before a formal public hearing is scheduled.
60. Copy of electronic mail dated September 17, 1997 from Road Services Division to the Hearing Examiner responding to a request for setting a public hearing.
61. Copy of electronic mail dated October 20, 1997 from Dennis Gorley, Senior Engineer to Road Services Division management regarding Mr. Dembowski objections and requesting a modification to the compensation payment.
62. Copy of check #844 from Cory and Cindy Brandt in the amount of \$5,720.26 for compensation payment.
63. Letter dated October 26, 1997 to Road Services Division from Ivyl T. Lea regarding questions about the purchasing that portion of the vacation area adjacent to his property and requesting additional time to pay compensation.
64. Letter dated November 10, 1997 to Ivyl T. Lea from Road Services Division responding to Mr. Lea's question and granting additional time to pay compensation.
65. Letter dated November 22, 1997 to Road Services Division from Cory Brandt inquiring about the possibility of adjusting the assess value and compensation in order to purchase an additional portion of the proposed vacation area.
66. Letter dated December 11, 1997 to Sharon Vavak setting a date for payment of compensation.
67. Letter dated December 11, 1997 to James Belmondo setting a date for payment of compensation.
68. Letter dated December 11, 1997 to James E. Bauman setting a date for payment of compensation.
69. Letter dated December 11, 1997 to Cynthia Reiss setting a due date for the payment of compensation.
70. Letter dated December 11, 1997 to Lola Archer setting a due date for the payment of compensation.
71. Letter dated December 11, 1997 to Alexa Peterson setting a due date for the payment of compensation.

72. Letter dated December 11, 1997 to Rodrick Dembowski setting a due date for the payment of compensation.
73. Letter dated December 11, 1997 to Douglas E. McKeen, Jr. setting a due date for the payment of compensation.
74. Letter dated December 11, 1997 to Lily Bishai and Rene Treadwell setting a due date for the payment of compensation.
75. Letter dated December 11, 1997 to Donald E. Lucas setting a due date for the payment of compensation.
76. Letter dated December 11, 1997 to Fernando and Linda Cerrillo setting a due date for the payment of compensation.
77. Letter dated December 11, 1997 to George and Emily Johnston setting a due date for the payment of compensation.
78. Letter dated December 11, 1997 to Richard and Elaine Galusha setting a due date for the payment of compensation.
79. Copy of check #1182 from Ann Belmondo in the amount of \$1,282.32 for compensation payment.
80. Letter dated January 6, 1998 from Sharon L. Vavak regarding compensation payment.
81. Copy of check #15138 from Roy and Sharon Vavak in the amount of \$1,874.45 for compensation payment.
82. Letter dated January 22, 1998 from Road Services Division to Cory Brandt responding to his letter of November 22, 1997.
83. Map of revised proposed vacation area.
84. Letter dated March 13, 1998 from King County Executive to Councilmember Louise Miller.
85. Proposed Ordinance 98-247.
86. Notice of hearing with map attached.
87. Affidavit of posting.
88. Vicinity Map.
89. Affidavit of Publication.
90. Copy of e-mail, dated April 20, 1998, to KC Department of Transportation, from KC Water District #90.

Pursuant to administrative continuance, on May 21, 1998 the following exhibits were offered and entered into the hearing record:

Exhibit #

91. Copy of E-mail dated May 20, 1998, to Hearing Examiner, from Dennis Gorley/KCDOT.
92. Memo, dated May 21, 1998, from Dennis Gorley/KCDOT, to Hearing Examiner, with attached copy of substitute Proposed Ordinance 980247.

RST:var

Attachments

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